

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Patent Appeals and Interferences

Appellants: Modha, et al.	)	Examiner: Vargo, Mathieu D.
)	
Serial Number: 10/733,155	)	Group Art Unit: 1791
)	
Filed: 12/11/2003	)	Customer Number: 22827
)	
Confirmation No.: 5956	)	Deposit Account: 04-1403
)	
Title: Method of Forming an Elastomeric Article	)	Attorney Docket No. SSK-50 (18583)
)	

1. ☐ **NOTICE OF APPEAL:** Pursuant to 37 CFR 41.31, Applicant hereby appeals to the Board of Appeals and interferences from the last decision of the Examiner.
2. ☐ **PRE-APPEAL BRIEF REQUEST FOR REVIEW:** Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reason(s) stated on the attached sheet(s) [No more than five (5) pages may be provided.]
3. ☐ **BRIEF** on appeal in this application pursuant to 37 CFR 41.37 is transmitted herewith (1 copy).
4. ☐ An **ORAL HEARING** is respectfully requested under 37 CFR 41.47 (due within two months after Examiner's Answer).
5. ☒ Reply Brief under 37 CFR 41.41(b) is transmitted herewith (1 copy).
6. ☐ "Small entity" verified statement filed: [] herewith [] previously.

7. **FEE CALCULATION:**

	Fees
If box 1 above is X'd enter \$ 540.00	\$ <u>0.00</u>
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PETITION is hereby made to extend the original due date of July 8, 2009, hereby made for an extension to cover the date this response is filed for which the requisite fee is enclosed (1 month \$130; 2 months \$490; 3 months \$1,110; 4 months \$1,730, 5 months \$2,350) \$ 0.00

SUBTOTAL: \$ 0.00

Less any previous extension fee paid since above original due date. - \$ 0.00

Less any previous fee paid for prior Notice of Appeal since Board did not render a decision on the merits. MPEP § 1204.01 - \$ 0.00

Less any previous fee paid for submitting Brief on prior Appeal since
Board did not render a decision on the merits. MPEP § 1204.01 - \$ 0.00

SUBTOTAL: \$ 0.00

If "small entity" verified statement filed ☐ previously,
☐ herewith, enter one-half (½) of subtotal and subtract - \$ 0.00

TOTAL FEE ENCLOSED: \$ 0.00

- ☐ Fee enclosed.
- ☐ Charge fee to our Deposit Account/Order Nos. in the heading hereof (for which purpose one additional copy of this sheet is attached)
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- ☐ Fee NOT required since paid in prior appeal in which the Board of Appeals did not render a decision on the merits.

The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any fees in addition to the fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (deficiency only) now or hereafter relative to this application and the resulting official document under Rule 20, or credit any overpayment, to our Account No. shown in the heading hereof. This statement does not authorize charge of the issue fee in this case.

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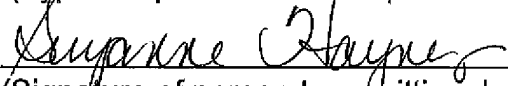
Signature: 

Date: July 8, 2009

I hereby certify that this correspondence and all attachments and any fee(s) are being electronically transmitted via the internet to the U.S. Patent and Trademark Office using the Electronic Patent Filing System on July 8, 2009.

Suzanne Haynes

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(Signature of person transmitting documents)

PATENT
ATTORNEY DOCKET NO: SSK-50 (18583)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Modha, et al.	)	Examiner:	Vargot, Mathieu D.
Application No.:	10/733,155	)	Group Art Unit:	1791
Filed:	Dec. 11, 2003	)	Customer No.:	22827
Confirmation No.:	5956	)	Deposit Account:	04-1403
Title:	"Method for Forming an Elastomeric Article")		

U.S. Patent and Trademark Office
Post Office Box 1450
Alexandria, VA 22313-1450

Dear Honorable Commissioner:

REPLY TO EXAMINER'S ANSWER

Applicants believe that the Appeal Brief of December 4, 2008 stands on its own and sufficiently addresses the Examiner's rejections. However, Applicants briefly emphasize that the Examiner's rejection still completely fails to teach all of the limitations of the pending independent claims, even if all of Applicant's other arguments are ignored.

The Examiner's Answer states that the "aspect of chlorination has been addressed in the rejection" referring to the teachings of Agostinelli. However, the Examiner completely ignores the limitation of presently pending claim 77 requiring "chlorinating the glove, and thereafter, stripping the glove from the hand-shaped former without the use of an antiblocking powder, wherein the glove is inverted so that the

outer surface of the substrate body applied with the hydrogel coating is configured to face a user's hand when inserted into the hand-shaped cavity." (Emphasis added).

These limitations require the chlorination of the glove while the glove is still on the former, where the chlorinated surface (i.e., the surface applied with the hydrogel coating) forms the inner surface of the glove that contacts the user's hand.

The Office Action cites to Agostinelli for the disclosure of chlorinating a glove while it is still on the former prior to stripping. The result of the process of Agostinelli is that the powder side is the inner, donning layer of the glove, while the halogenated side is the outer surface. In fact, Agostinelli discloses that the halogenation of the glove is useful on the outer surface to reduce the affinity of the outer surface for the lubricating powder. While the Examiner admits that Agostinelli teaches chlorination of the outer surface of their glove, the Examiner states that this teaching somehow satisfies the limitations of the presently pending claims.

Applicants respectfully assert that none of the references, even if combined absent any rational to do so, teach or even suggest the halogenation of the inner, donning surface while still on the former as required by independent claims 77 and 98. No rationale exists for one of ordinary skill in the art to completely change the configuration of Agostinelli's glove in order to provide the presently claimed glove. Applicants respectfully submit that one of ordinary skill in the art, having common sense at the time of the invention, would not have utilized the halogenating step of Agostinelli to halogenate the inner, donning layer of a glove while it is still on the former. Halogenating the inner surface of the glove disclosed by Agostinelli would effectively

destroy its intended purpose. Specifically, the lubricating powder would not stick to the inner surface of the glove, preventing its usefulness as disclosed by Agostinelli.

Again, it is Appellants' position that the Examiner's rejection of claims has been shown to be untenable and should be **reversed** by the Board.

Please charge any additional fees required by this Reply to Deposit Account No. 04-1403.

7-8-09

Date

Respectfully requested,

DORITY & MANNING, P.A.



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